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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013 - 291

13 **EVA ZAREBA, AKA EWA ZAREBA**  
8130 Grimsby Avenue  
Los Angeles, CA 90045

**A C C U S A T I O N**

14 **Registered Nurse License No. 507718**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing.

21 2. On or about January 23, 1995, the Board of Registered Nursing ("Board") issued  
22 Registered Nurse License Number 507718 to Eva Zareba, aka Ewa Zareba ("Respondent"). The  
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on February 28, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.  
28

1       4.     Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
2     surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
3     disciplinary action during the period within which the license may be renewed, restored, reissued  
4     or reinstated.

5       5.     Section 2750 of the Code provides that the Board may discipline any licensee,  
6     including a licensee holding a temporary license or an inactive license, for any reason provided in  
7     Article 3 (commencing with section 2750) of the Nursing Practice Act.

8       6.     Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
9     shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
10    licensee or to render a decision imposing discipline on the license.

#### 11                                   STATUTES

12       7.     Section 2761 of the Code states, in pertinent part:

13       "The board may take disciplinary action against a certified or licensed nurse or deny an  
14    application for a certificate or license for any of the following:

15       "(a) Unprofessional conduct....

16       .....

17       "(d) Violating or attempting to violate, directly or indirectly, . . . any provision or term of  
18    this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

#### 19                                   COST RECOVERY

20       8.     Section 125.3 of the Code provides, in pertinent part:

21       "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
22    proceeding before any board within the department or before the Osteopathic Medical Board,  
23    upon request of the entity bringing the proceeding, the administrative law judge may direct a  
24    licentiate found to have committed a violation or violations of the licensing act to pay a sum not  
25    to exceed the reasonable costs of the investigation and enforcement of the case.

26       .....

27       "(i) Nothing in this section shall preclude a board from including the recovery of the costs  
28    of investigation and enforcement of a case in any stipulated settlement."

1 **DRUGS**

2 9. "Percocet," oxycodone and acetaminophen, is a Schedule II controlled substance  
3 pursuant to Health and Safety Code section 11055(b)(1), and is categorized as a dangerous drug  
4 according to section 4022.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Unprofessional Conduct)

7 10. Respondent is subject to disciplinary action under code sections 2750 and 2761,  
8 subdivision (a)(1) in that Respondent engaged in unprofessional conduct while employed as a  
9 registered nurse on September 18 and 19, 2011. The circumstances are as follows:

10 11. On or about September 18, 2011, Care Advantage, a nurse staffing agency, assigned  
11 Respondent to work as private duty nurse for J.S. J.S. was an elderly female patient who was  
12 bedridden and had been diagnosed with emphysema, chronic obstructive pulmonary disease, and  
13 congestive heart failure. Respondent's shift began at 7:00 p.m. on September 18, 2011 and ended  
14 at 7:00 a.m. on September 19, 2011.

15 12. During Respondent's shift, Respondent was responsible for keeping accurate and  
16 adequate Progress Notes regarding J.S.'s condition and status. Respondent was also responsible  
17 for adequately documenting the administration of narcotics. However Respondent made several  
18 errors regarding her documentation. In particular:

19 a. During Respondent's shift, J.S. developed tachycardia (increased heart rate) and  
20 Respondent gave J.S. Percocet, a narcotic, in order to bring down her heart rate and to generally  
21 decrease her pain. Respondent failed to document J.S.'s increased heart rate in the Progress  
22 Notes and she further failed to document any improvement or decrease in J.S.'s heart rate  
23 following the administration of the Percocet.

24 b. While Respondent documented the administration of Percocet on the general  
25 "Medication Sheet," she failed to document the administration of the Percocet on the "Narcotic  
26 Sign Out Sheet" specifically for the Percocet.

1 c. During Respondent's shift, J.S. had a brown "wound" or "spot" the size of  
2 quarter on her leg. Respondent failed to document the presence of this "wound" or "spot" in her  
3 Progress Notes.

4 **SECOND CAUSE FOR DISCIPLINE**

5 (Violation of the Nurse Practice Act)

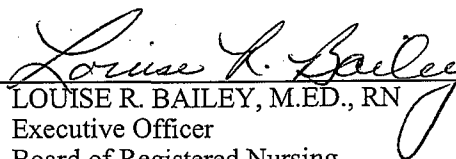
6 13. Respondent is subject to disciplinary action under Code sections 2750 and 2761,  
7 subdivision (d) in that Respondent violated the Nursing Practice Act when she engaged in  
8 unprofessional conduct while employed as a registered nurse on September 18 and 19, 2011. By  
9 this reference, Complainant hereby incorporates paragraphs 11 and 12, including subparagraphs  
10 (a) – (c), as though fully set forth herein.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 507718, issued to Eva  
15 Zareba, aka Ewa Zareba;  
16 2. Ordering Eva Zareba to pay the Board the reasonable costs of the investigation and  
17 enforcement of this case, pursuant to Business and Professions Code section 125.3; and  
18 3. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: OCTOBER 15, 2012

21   
22 LOUISE R. BAILEY, M.ED., RN  
23 Executive Officer  
24 Board of Registered Nursing  
25 State of California  
26 Complainant

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